

AMENDATORY SECTION (Amending WSR 01-03-085, filed 1/17/01, effective 2/17/01)

WAC 314-17-005 What is the purpose of this chapter? (1) RCW 66.20.300 through 66.20.350 set up a mandatory alcohol server training program. These laws require persons who serve, mix, sell, or supervise the service of, alcohol for on-premises consumption to hold one of two permits(~~(7)~~) as outlined in this chapter.

(2) This chapter (~~((outlines how a person receives these permits, and how a person can))~~) explains how a person receives a class 12 or 13 permit, and how a person may become certified to provide alcohol server training.

AMENDATORY SECTION (Amending WSR 01-03-085, filed 1/17/01, effective 2/17/01)

WAC 314-17-010 Definitions. The following definitions (~~((are to))~~) clarify the purpose and intent of the (~~((rules and))~~) laws and regulations governing mandatory alcohol server training and chapter 314-17 WAC. Additional definitions are in RCW 66.04.010 and 66.20.300.

(1) (~~((A "permit holder" is a person who holds either a Class 12 mixologist or a Class 13 server permit. The permit is the property of the permit holder, and can be used at any liquor licensed establishment.~~

(2) ~~A "provider" is an individual, partnership, corporation, college, educational institute, or other bona fide legal entity that the board certifies to provide a board approved alcohol server education course (per RCW 66.20.300). The provider is a training entity.~~

(3) ~~A "trainer" is an individual employed or authorized by a provider to conduct an alcohol server education course. Upon the successful completion of the course, the student will receive a Class 12 mixologist or Class 13 server permit from the trainer.))~~ "Alcohol server education program," "mandatory alcohol server training," or "mandatory alcohol server training program" means the set of policies and procedures developed and administered by the board to educate servers and enforce state liquor laws and regulations.

(2) "Permit holder" means a person who holds either a class 12 or 13 permit.

(3) "Provider" means a "training entity," as defined in RCW 66.20.300.

(4) "Retail licensed premises" means any:

(a) Premises licensed to sell or serve alcohol by the glass, by the drink, by samples or in original containers, primarily for consumption on the premises as authorized by RCW 66.24.320, 66.24.330, 66.24.350, 66.24.400, 66.24.425, 66.24.450, 66.24.540, 66.24.570, 66.24.580, 66.24.590 or 66.24.600;

(b) Distillery or craft distillery, licensed pursuant to RCW 66.24.140 or 66.24.145, that is authorized to serve samples of its own production; or

(c) Facility established by a domestic winery for serving or selling wine pursuant to RCW 66.24.170(4).

(5) "Student" means an individual enrolled in a class 12 or 13 training course.

(6) "Trainer" means an individual employed or authorized by a provider to conduct a training course.

(7) "Training course" means a board-certified mandatory alcohol server training class.

(8) "Training program" means a provider's curriculum administered by a provider or a trainer.

AMENDATORY SECTION (Amending WSR 01-03-085, filed 1/17/01, effective 2/17/01)

WAC 314-17-015 What are the two types of alcohol server training permits? There are two types of permits for persons who serve ~~((alcohol for on-premises consumption, or who supervise the sale of alcohol for on-premises consumption:)), mix, sell, or who supervise the sale of, alcohol for on-premises consumption.~~

((1) Per RCW 66.20.310, a Class 12 mixologist permit is required for liquor licensees or their employees who:	— (2) Per RCW 66.20.310, a Class 13 server permit is required for persons who:
<p>— (a) Manage a premises licensed to sell alcohol beverages for on-premises consumption;</p> <p>— (b) Act as a bartender for selling or mixing alcohol beverages which may include spirits, beer, and/or wine for on-premises consumption; and/or</p> <p>— (c) Draw beer and/or wine from a tap and/or spirits from a dispensing device at an establishment licensed to sell liquor for on-premises consumption.</p> <p>(d) A Class 12 mixologist permit holder must be at least twenty-one years of age.</p> <p>(e) A Class 12 mixologist permit includes the authority to act as a server, under the Class 13 server permit.</p> <p>(f) See RCW 66.20.310(7) for exceptions for employees of grocery stores that have an on-premises liquor license.</p>	<p>— (a) Take orders for alcohol beverages to be consumed on-premises;</p> <p>— (b) Deliver alcohol beverages to customers for consumption on-premises; and/or</p> <p>— (c) Open and/or pour beer or wine into a customer's glass at the customer's table.</p> <p>— (d) A class 13 server permit holder must be at least eighteen years of age:))</p>

<u>Class 12 permit</u>	<u>Class 13 permit</u>
(1) <u>A class 12 permit holder must be at least twenty-one years of age.</u>	(5) <u>A class 13 permit holder must be at least eighteen years of age.</u>
(2) <u>A class 12 permit is required for any person who:</u>	(6) <u>A class 13 permit is required for any person who:</u>
(a) <u>Manages a premises licensed to sell alcoholic beverages for on-premises consumption;</u>	(a) <u>Takes orders for alcoholic beverages for on-premises consumption;</u>
(b) <u>Sells, mixes or draws from a dispensing device alcoholic beverages for on-premises consumption; or</u>	(b) <u>Delivers alcoholic beverages to customers for on-premises consumption; or</u>

<u>Class 12 permit</u>	<u>Class 13 permit</u>
(c) <u>Supervises a class 13 permit holder.</u>	(c) <u>Opens or pours beer or wine into a customer's glass at a customer's table.</u>
(3) <u>A class 12 permit includes all authorities granted under a class 13 permit.</u>	(7) <u>See RCW 66.20.310 for exceptions for grocery store employees.</u>
(4) <u>See RCW 66.20.310 for exceptions for grocery store employees.</u>	

~~((3))~~ (8) Upon ~~((the))~~ a temporary absence of a ~~((Class 12 mixologist permit holder, a Class 13 server permit holder who is at least twenty-one years of age may perform the functions of a Class 12 permit holder until a Class 12 permit holder can arrive to fulfill those duties, but in no event for more than thirty consecutive days))~~ class 12 permit holder, a class 13 permit holder may perform the functions of a class 12 permit holder until a class 12 permit holder arrives to fulfill those duties provided that a class 13 permit holder:

- (a) Is twenty-one years of age or older; and
- (b) Functions as a class 12 permit holder for no more than thirty calendar days per year.

AMENDATORY SECTION (Amending WSR 04-18-038, filed 8/25/04, effective 9/25/04)

WAC 314-17-020 How long are ~~((the))~~ class 12 and 13 permits good for(~~(, and how does a permit holder renew))~~? (1) Class 12 ~~((mixologist))~~ and ~~((Class))~~ 13 ~~((server))~~ permits are valid for five years. ~~((The permits expire))~~ A class 12 or 13 permit expires on the first day of the month, five years following the month ~~((the person successfully completed the alcohol server education course))~~ a student passes the standardized exam. For example, if a student passes the standardized exam on June 15, 2010, his or her class 12 or 13 permit will expire on July 1, 2015.

(2) ~~((In order to renew the permit, the mixologist or server must attend an alcohol server education course given by a board certified trainer or provider prior to the expiration of the permit.))~~ A permit holder must retake a class 12 or 13 training course and pass the standardized exam to obtain a subsequent class 12 or 13 permit.

AMENDATORY SECTION (Amending WSR 01-03-085, filed 1/17/01, effective 2/17/01)

WAC 314-17-025 ~~((Do))~~ Does a permit holder((s)) have to carry ((their)) his or her class 12 or 13 permit ((with them))? (1) Any time a licensee or an employee ~~((is performing))~~ performs the duties outlined in WAC 314-17-015, ~~((the person))~~ a licensee or an employee must have:

(a) ~~((Their Class 12 mixologist or Class 13 server permit on the premises,))~~ His or her class 12 or 13 permit on a licensed premises; and

(b) One ~~((piece))~~ form of identification (see RCW 66.16.040 for acceptable forms of identification ((are outlined in RCW 66.16.040))).

(2) Both ~~((the))~~ a class 12 or 13 permit and ((the)) a form of identification must be available for inspection by any representative of the board, peace officer or law enforcement officer.

(3) ~~((It will be considered a violation of this section for any person to:~~

~~(a) Falsify a Class 12 mixologist or a Class 13 server permit;~~
~~or~~

~~(b) Keep or possess a Class 12 mixologist permit or a Class 13 server permit contrary to the provisions of this title))~~ A person shall be in violation if he or she falsifies a class 12 or 13 permit or keeps or possesses a class 12 or 13 permit contrary to the provisions of this title.

(4) The name and personal identifying characteristics on a class 12 or 13 permit must match with those on a permit holder's form of identification.

AMENDATORY SECTION (Amending WSR 04-18-038, filed 8/25/04, effective 9/25/04)

WAC 314-17-030 Are employers responsible ((to ensure that their employees hold an alcohol server permit)) for ensuring that their employees have class 12 or 13 permits? ~~((All licensees who hold))~~ Yes. Any person who holds a license to sell liquor for on-premises consumption must ensure that any person ~~((that))~~ who engages in the sale or service of liquor, or who supervises such activities, has a current and valid class 12 ((mixologist)) or ((Class)) 13 ((server)) permit within sixty calendar days of the date of hire. See RCW 66.20.310~~((+7))~~ for exceptions for grocery stores that have an on-premises liquor license.

(1) ~~((The permit must be in the same name and with the same identifying characteristics as indicated on the permit holder's identification (acceptable forms of identification are outlined in WAC 314-11-025)).~~

~~(2) Per WAC 314-11-040, a person twenty-one years of age or older))~~ A class 12 permit holder must be on ((the)) a licensed premises to supervise the sale, service, and consumption of liquor.

~~((3) The))~~ (2) A class 12 or 13 permit is the sole property of ((the)) a permit holder.

AMENDATORY SECTION (Amending WSR 01-03-085, filed 1/17/01, effective 2/17/01)

WAC 314-17-035 How are lost class 12 and 13 permits replaced?

~~To replace a lost ((Class 12 mixologist or Class 13 server permit, the))~~ class 12 or 13 permit or to replace a class 12 or 13 permit because of a name change, a permit holder ((can)) must:

(1) Contact the provider or trainer who issued the class 12 or 13 permit; or

(2) ((Submit an affidavit of lost permit on a form provided by the board to the licensing and regulation division with a fee as prescribed by)) Complete a class 12 or 13 permit replacement form, and submit that form and the appropriate fee to the board. The board will ((cancel the lost permit and issue a replacement)) issue a new class 12 or 13 permit, which will have the same expiration date as the original class 12 or 13 permit.

AMENDATORY SECTION (Amending WSR 01-03-085, filed 1/17/01, effective 2/17/01)

WAC 314-17-040 ((Can Class 13 server permit holders upgrade to a Class 12 mixologist permit when they turn twenty-one?)) May an eighteen to twenty year-old student who takes and passes a class 12 training course upgrade to a class 12 permit upon turning twenty-one without retaking the training course? ((Class 12 mixologist permits are only issued to persons twenty-one years of age or older. Therefore, any eighteen, nineteen, or twenty year-old person who successfully completes a Class 12 mixologist class will be issued a Class 13 server permit.

((1) Upon turning twenty-one years of age, the server may contact the provider or trainer who issued the permit and receive an upgraded Class 12 mixologist)) Yes.

(1) An eighteen, nineteen or twenty year-old person may take a class 12 training course and pass the corresponding exam; however, he or she may be issued only a class 13 permit. Upon turning twenty-one years of age, such a person who obtains a class 13 permit after taking and passing a class 12 training course and exam may request that a provider or trainer upgrade his or her

class 13 permit to a class 12 permit.

(2) The expiration date of ((the permit will remain five years from the date of the original class)) an upgraded class 12 permit shall be the same expiration date as the original class 13 permit.

AMENDATORY SECTION (Amending WSR 01-03-085, filed 1/17/01, effective 2/17/01)

WAC 314-17-045 How do I get a class 12 ((mixologist)) or ((a Class)) 13 ((server)) permit in Washington if I was trained in another state? ~~((1) Per RCW 66.20.320(10), if you have completed an alcohol server education course in another state since July 1, 1993, and the course is also certified in Washington state, you may receive a Class 12 mixologist or a Class 13 server permit in Washington by completing the provider's Washington state supplement to the program. This supplement will cover Washington state liquor laws and regulations. (You can contact the board's licensing and regulation division to find out if the course you completed is certified in Washington.)~~

~~(2) The provider will issue you a Washington state permit, which will expire five years from the first day of the month following the date the original class was taken. (For example, if you completed the program in another state on June 15, 1996, the Washington permit will expire on July 1, 2001.))~~ (1) If a person completes an alcohol server training course in another state and a training course is also certified in the state of Washington, he or she may receive a class 12 or 13 permit in Washington by completing the provider's board-certified Washington state supplement to the program and passing the standardized exam.

(2) A trainer or provider shall issue a class 12 or 13 permit, which will expire five years from the first day of the month following the date an original training course was taken. For example, if you complete a training course on June 15, 2010, your class 12 or 13 permit will expire on July 1, 2015.

AMENDATORY SECTION (Amending WSR 04-18-038, filed 8/25/04, effective 9/25/04)

WAC 314-17-050 How ~~((can a person receive certification as a Class 12 mixologist or Class 13 server permit))~~ do I become a provider? ~~((An individual, partnership, corporation, college, educational institute, or other bona fide legal entity may apply to be certified by the board to become a Class 12 mixologist and/or a Class 13 server permit provider.~~

~~(1) In order to get a course certified, the proposed provider must submit the following information to the board's licensing and regulation division:))~~ (1) **Application process, application materials, and briefing.** To become a provider, you must submit an application to the board and brief board staff on the proposed training program. Application materials shall include:

(a) A completed application form provided by the board;
(b) A copy of the proposed curriculum for the training program (see WAC 314-17-060);

(c) A copy of all audio, video, on-line, and instructional materials that will be used in the ~~((course))~~ training program;

(d) A copy of all printed ~~((materials that will be provided to participants as part of the course; and))~~ or printable (as in the case of an on-line training course) materials that will be provided to a student;

(e) An explanation of the examination procedures necessary to pass ~~((the))~~ a training course;

(f) An explanation of how a student's identity shall be ensured for an on-line training course;

(g) A plan describing how a provider shall assess a trainer's work performance;

(h) A trainer's manual; and

(i) Documentation demonstrating a trainer's qualifications and education to teach a training course in the state of Washington.

~~(2) ((The board's licensing and regulation division will respond to the request for certification within forty-five days of receipt of the material.))~~ The board will respond within forty-five calendar days of receipt of the application materials, at which point the board will either:

(a) Issue ~~((a letter of certification which will be valid for five years, or~~

~~(b) Provide a letter outlining what additions or changes need to be made to the course to meet the requirements outlined in this title. If the additions or changes are not received by the licensing and regulation division within thirty days, the application for course certification will be withdrawn.~~

~~(3)(a) Upon certification of the program, the board will provide the standardized exam to be used for all training conducted. Trainers may use existing, board-approved exams until January 1, 2005.~~

~~(b) With board approval, trainers may provide an additional exam or add questions to the standardized exam, as long as the questions on the standardized exam are not altered and are left in the same order.~~

~~(4) The board or its designee may attend any class provided by certified providers and their trainers at no charge, in order to evaluate the course for conformance with this title.~~

~~(5) The provider must receive prior approval from the board's licensing and regulation division before making any changes to the course content or method of presentation that has been certified by the board.~~

~~(6) Providers who wish to renew their program must submit a~~

~~complete program to the board's mandatory alcohol server training program manager at least forty-five days prior to expiration of their certification, as outlined in subsection (2) of this rule.~~

~~(7) The board may consider any information pertaining to a provider or trainer's certification in any state, including any certification suspensions or revocations in the past five years)) certification; or~~

~~(b) Specify what additions or changes to make to a training program. If additions or changes are not received by the board within thirty calendar days, an application will be withdrawn.~~

~~(3) **Temporary certification.** The board may issue temporary certification once an applicant submits an application and briefs board staff.~~

~~(a) Temporary certification is valid for up to six months. During this time period, an applicant may adjust a training course outline or method of presentation without prior board approval provided that a training course continues to meet the standards set in WAC 314-17-060.~~

~~(b) The board may immediately revoke temporary certification if, in the board's opinion, an applicant fails to comply with a lesson plan as submitted and approved or with any of the requirements of this title.~~

~~(c) An applicant who fails to obtain permanent certification during the six-month temporary certification period shall be subject to the discontinuance of business requirements specified in subsection (10) of this section.~~

~~(4) The board may consider any information pertaining to a provider's certification in any state, including any certification suspensions or revocations in the past five years. The board, at its discretion and in consideration of public safety, may also consider criminal history, administrative violations, patterns of misconduct, and other applicable occurrences or circumstances when deciding to approve, deny, suspend or revoke a provider's certification.~~

~~(5) **Appeal rights.** See WAC 314-17-115.~~

~~(6) **Standardized exam.**~~

~~(a) Upon certification of a training program, the board will provide a standardized exam to be used for all training courses.~~

~~(b) With board approval, a provider or trainer may provide an additional exam or add questions to the standardized exam.~~

~~(c) The board or its designee may attend any in-person training course or take any on-line training course at no charge for evaluation purposes.~~

~~(7) A provider must receive approval from the board before making any changes to training course content or method of presentation.~~

~~(8) **Qualifying and continuing education.**~~

~~(a) A provider must ensure that its trainers are qualified to teach a training course in the state of Washington, and that its trainers are current of new Washington state laws and regulations and science and industry advances pertaining to alcohol service. As part of this effort, a trainer must attend a board-provided~~

conference or a provider-sponsored education workshop, or complete an equivalent professional on-line or long distance program, before receiving certification and then at least once every five years thereafter.

(b) At a minimum, an education or continuing-education conference, workshop or program shall address Washington state liquor laws and regulations, mandatory alcohol server training rules and procedures, and legal liabilities for servers.

(c) The board may conduct at least one seminar in each provider-sponsored education workshop performed in the state of Washington.

(d) A provider must obtain documentation that verifies a trainer's completion of an education or continuing-education conference, workshop or program, as well as documentation showing the subjects covered at such conference, workshop or program (see WAC 314-17-085).

(e) A provider must supply a trainer with a trainer's manual. A provider must also revise a manual within thirty calendar days following:

(i) The effective date of a new applicable state law or regulation; or

(ii) Receipt of new or updated information from the board.

(9) **Certificate expiration and recertification.** Each certification is valid for up to five years. A provider may be recertified by reapplying at least forty-five days prior to expiration and in accordance with subsections (1) and (2) of this section.

(10) **Discontinuance of business.** When a provider discontinues its training program, a provider must reconcile class 12 and 13 permit form records to the board's satisfaction and return all unused class 12 and 13 permit forms to the board.

AMENDATORY SECTION (Amending WSR 04-18-038, filed 8/25/04, effective 9/25/04)

WAC 314-17-060 What are the course standards ((for Class 12 mixologist and Class 13 server permits)), course content, and other requirements for class 12 or 13 training programs?

<u>(((1) Requirements for a Class 12 mixologist permit course</u>	<u>— (a) The course of instruction must be at least three hours in length. The course may be by video or audio-visual presentation together with facilitation by an authorized provider or trainer.</u> <u>— (b) In addition to meeting the requirements of RCW 66.20.320 (1)(d), the course must contain a standard workbook that covers the specifics of Washington liquor laws and regulations as they relate to:</u>
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	<ul style="list-style-type: none"> —— (i) Recognizing and dealing with intoxicated persons; —— (ii) How to check identification; —— (iii) Employment of persons under twenty-one years of age; —— (iv) Legal hours of liquor sale and service; —— (v) Prohibited conduct by patrons and employees; —— (vi) Required signs in liquor licensed establishments; —— (vii) Minimum lighting requirements; and —— (viii) Administrative and criminal sanctions against liquor licensees and Class 12 and Class 13 permit holders.
(2) Requirements for a Class 13 server permit course	<ul style="list-style-type: none"> —— (a) The course of instruction must be at least one hour in length. The course may be by video or audio-visual presentation of not less than thirty minutes together with facilitation by an authorized provider or trainer, or a sixty-minute self-teaching video. —— (b) In addition to meeting the requirements of RCW 66.20.320 (1)(d), the course must contain a standard workbook that covers the specifics of Washington liquor laws and regulations as they relate to: <ul style="list-style-type: none"> —— (i) Recognizing and dealing with intoxicated persons; —— (ii) How to check identification; —— (iii) Employment of persons under twenty-one years of age; —— (iv) Legal hours of liquor sale and service; —— (v) Prohibited conduct by patrons and employees; and —— (vi) Administrative and criminal sanctions against licensees and Class 13 server permit holders.
(3) Requirements and guidelines for both Class 12 mixologist and Class 13 server permit courses	<ul style="list-style-type: none"> —— (a) At the beginning of each class, the trainer must give each student: <ul style="list-style-type: none"> —— (i) An enrollment agreement that clearly states the obligations of the trainer and student, refund policies, and procedures to terminate enrollment; —— (ii) A statement that says, "If you have questions, comments, or complaints about the program, please call the liquor control board" and includes the appropriate board telephone numbers; and —— (iii) A notice that students must complete the course in order to take the exam.

<p>— (b) Students must complete [a] [the] written examination in the presence of the certified trainer that demonstrates the student is familiar with the liquor laws and rules outlined in subsections (1) and (2) of this rule. During the examination, trainees may not refer to any written or video material or have a discussion with another person during the exam (unless the instructor authorizes the student to use an interpreter).</p> <p>— (c) Providers or trainers may not suggest that the state of Washington, the board, or any state agency endorses or recommends the provider's program to the exclusion of any other program.)</p>
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Class 12 and 13 training courses shall have the standards and requirements as stipulated in RCW 66.20.320 and in this section.

(1) **Subjects.** Each class 12 or 13 training course and accompanying workbook shall include:

- (a) Those subjects listed in RCW 66.20.320;
- (b) Washington state liquor laws and regulations;
- (c) Employment of persons under twenty-one years of age;
- (d) Legal hours of liquor sale and service;
- (e) Prohibited conduct by patrons and employees;
- (f) Required signs in liquor-licensed establishments;
- (g) Minimum lighting requirements; and
- (h) Administrative and criminal sanctions against liquor licensees and permit holders, including permit suspension for delinquent child support payment.

(2) **Administrative materials.** Before beginning a class 12 or 13 training course, each student shall receive:

- (a) An enrollment agreement that clearly states the obligations of a trainer and a student, refund policies, and procedures to terminate enrollment;
- (b) A statement that says, "If you have questions, comments or complaints about the program, please contact the Liquor Control Board," and includes the appropriate board contact information; and
- (c) A notice that students must complete the entire training course before taking the standardized exam.

(3) A provider or trainer is prohibited from stating or implying that the state of Washington, the board or any other state agency endorses or recommends one provider's program over another's program.

(4) **Student evaluation of training course.** A student evaluation for each in-person or on-line training course is required. A trainer shall provide a separate course evaluation form to each student enrolled in an in-person training course, and a form shall include the board's contact information.

(5) **Exams.** Exams shall be administered following each class 12 or 13 training course.

(a) An exam must demonstrate a student's familiarity with all of the subjects listed in subsection (1) of this section.

(b) A student may not refer to any written, video or on-line material, or have an in-person or on-line discussion with another

person, during an exam. However, a trainer may allow a student to use an interpreter.

(c) The standardized exam shall have a minimum passing grade of eighty percent unless otherwise stipulated from the board.

(6) **On-line training courses.** The board allows class 12 and 13 on-line training courses subject to additional requirements.

(a) A provider must take extra measures to ensure the identity of each student. Mandatory extra measures include obtaining the log-in and log-off times (see WAC 314-17-085). Other ways to prevent fraudulent test taking may include, but are not limited to:

(i) Allowing a student to access an examination only once per training course;

(ii) Discontinuing an examination if it stays idle for thirty minutes or more or if another program is accessed; or

(iii) Asking each student personal identifying questions.

(b) A trainer shall be available to answer questions during standard business hours via the internet, telephone or some other method.

(7) **Length of class.** Excluding exam time, a class 12 training course shall be at least three hours in length, and a class 13 training course shall be at least one hour in length.

(8) **Presentation method.** The presentation method may be an in-class or on-line video.

(9) **Student workbook.**

(a) A student workbook must contain accurate, current, and complete information.

(b) A provider must update student workbooks and other training course material within thirty calendar days following:

(i) The effective date of a new applicable state law or regulation; or

(ii) Receipt of new or updated information from the board.

(c) The board may establish additional workbook standards or requirements as the board deems necessary.

AMENDATORY SECTION (Amending WSR 04-18-038, filed 8/25/04, effective 9/25/04)

WAC 314-17-065 How does a provider receive certification for its trainers? ~~(1) To ((receive board certification for trainers to teach a course approved by the board, the provider must submit a form provided by the board to the board's licensing and regulation division.~~

~~(2) The provider will only contract with trainers who:~~

~~(a) Have a minimum of two years of post-secondary education in one or more of the following fields or a combination of the following fields, or equivalent years of experience)) certify one of its trainers, a provider must complete a form provided by and returned to the board.~~

(2) A provider will contract only with a trainer who:
(a) Has a minimum of two years of post-secondary education in,
or equivalent years of work experience in, one or more of the
following fields:

- (i) Training;
- (ii) Education;
- (iii) Law;
- (iv) Law enforcement;
- (v) Substance abuse rehabilitation; ((and/or
- ~~(vi) Hospitality industry.~~

~~(b) Hold a Class 12 mixologist permit; and~~
~~(c) Meet the criminal history requirements outlined in WAC~~
~~314-17-070.~~

~~(3) The board may consider any information pertaining to a~~
~~provider or trainer's certification in any state, including any~~
~~certification suspensions or revocations in the past five years.~~

~~(4) Prior to receiving certification, the applicant trainer~~
~~must attend either:~~

~~(a) A board-approved train-the-trainer course provided by the~~
~~MAST provider; or~~

~~(b) A briefing conducted by a liquor control board enforcement~~
~~officer. Proof of the training must be submitted with the trainer~~
~~registration form.~~

~~(5) The board's licensing and regulation division will respond~~
~~to the request for trainer certification within thirty days of~~
~~receipt of the request. The board will either:~~

~~(a) Issue a letter to the provider and each trainer that~~
~~authorizes the trainer(s) to teach the approved course (the~~
~~trainer's authorization expires on the date the provider's~~
~~certification expires); or~~

~~(b) Send a letter to the provider outlining why an applicant~~
~~trainer does not meet the qualifications outlined in this title.~~

~~(c) Trainers may not begin training certified alcohol server~~
~~education courses until they receive their authorization letter~~
~~from the board.~~

~~(d) Trainers must teach the provider's program as approved and~~
~~may not change the method of presentation or course content without~~
~~approval from the provider and the liquor control board's mandatory~~
~~alcohol server training program manager.~~

~~(6) It is the responsibility of the approved provider to keep~~
~~the board's licensing and regulation division informed of all~~
~~current trainers.~~

~~(a) The provider must notify the board's licensing and~~
~~regulation division within seventy-two hours of the termination of~~
~~a trainer, or within seventy-two hours of when the provider is~~
~~notified that a trainer has terminated his/her employment.~~

~~(b) For the hiring of new trainers, the provider can either:~~

~~(i) Notify the board's licensing and regulation division in~~
~~writing of any new trainers within thirty days of the date of hire;~~
~~or~~

~~(ii) Provide a list of all current trainers to the board's~~
~~licensing and regulation division monthly.)) or~~

- (vi) Hospitality industry;
(b) Holds a class 12 permit;
(c) Meets the criminal history requirements (see WAC 314-17-070); and
(d) Meets the continuing education requirements (see WAC 314-17-050).
- (3) The board may consider any information pertaining to a trainer's certification in any state, including any certification suspensions or revocations in the past five years. The board, at its discretion and in consideration of public safety, may also consider criminal history (see WAC 314-17-070), administrative violations, patterns of misconduct, and other applicable occurrences or circumstances when deciding to approve, deny, suspend or revoke a trainer's certification.
- (4) The board will respond to a request for trainer certification within thirty calendar days of receipt of a request, and then will either certify an applicant trainer or explain why an applicant trainer fails to meet the qualifications.
- (5) A trainer may not begin to teach a training course until a trainer receives his or her certification from the board.
- (6) A trainer must teach a provider's training program in its entirety as approved, and may not change the method of presentation or course content without approval from a provider and the board.
- (7) It is the responsibility of a provider to keep the board informed of its current trainers. In this effort, a provider must notify the board within seventy-two hours of the termination of a trainer, or within seventy-two hours of when a provider is notified that a trainer has terminated his or her employment.

AMENDATORY SECTION (Amending WSR 04-18-038, filed 8/25/04, effective 9/25/04)

WAC 314-17-070 What criminal history would prevent a person from receiving certification to be a trainer? (1) The ~~((board's licensing and regulation division may conduct a criminal history check on a person applying to be an alcohol server education trainer, using the point system below. The application may be denied if the applicant's criminal history totals eight or more points))~~ board may investigate the criminal history of a person applying for trainer certification. The board may also use a point system and deny an application if an applicant's criminal history totals eight or more points. Points are set as follows:

Description	Time period during which points will be assigned	Points the board will assign
((Gross misdemeanor)) <u>Felony conviction</u>	((Three)) <u>10</u> years	((5)) <u>12</u> points

Description	Time period during which points will be assigned	Points the board will assign
((Misdemeanor conviction involving alcohol)) <u>Currently under federal or state supervision for a felony conviction</u>	((Three years)) <u>n/a</u>	((4)) <u>8</u> points
((Misdemeanor conviction not involving alcohol)) <u>Gross misdemeanor conviction</u>	((Three)) <u>3</u> years	((3)) <u>5</u> points
Driving under the influence conviction	((Three)) <u>3</u> years	5 points
((Reckless and/or negligent driving conviction - alcohol related)) <u>Misdemeanor conviction</u>	((Three)) <u>3</u> years	((5)) <u>4</u> points
((Reckless and/or negligent driving conviction - not alcohol related)) <u>Nondisclosure of any of the above</u>	((Three years)) <u>n/a</u>	4 points
((Hit and run, attended conviction	Three years	5 points
Two to five failures to appear for court conviction	Three years	4 points
Six or more failures to appear for court conviction	Three years	8 points
Felony conviction	Five years	12 points
On parole from a felony	n/a	8 points
Nondisclosure of information requested by the board	n/a	4 points each, PLUS the points of the fact which was not disclosed
Misrepresentation of fact to the board	n/a	8 points, PLUS the points of the fact which was not disclosed))

(2) For pending criminal charges that would score eight or more points in the event of conviction, the ~~((board's licensing and regulation division will hold the trainer's application pending disposition of the matter. If the matter is not resolved within ninety days, the board will withdraw the application.~~

~~((3) A person whose application to become an alcohol server education trainer is denied by the licensing and regulation division due to a criminal history may request an adjudicative hearing under the provisions of the Administrative Procedure Act (chapter 34.05 RCW). At the board's discretion it may elect to conduct the adjudicative hearing itself or it may assign the matter to the office of administrative hearings))~~ board shall postpone its approval or denial decision pending disposition of the matter. If the matter remains unresolved after ninety calendar days, the board will withdraw an application.

(3) Appeal rights. See WAC 314-17-115.

AMENDATORY SECTION (Amending WSR 01-03-085, filed 1/17/01, effective 2/17/01)

WAC 314-17-075 How does a provider ((or trainer)) get class 12 ((mixologist and Class 13 server permits to issue to course participants)) or 13 permit forms? ((~~(1) Authorized providers and trainers of certified programs may order Class 12 mixologist and Class 13 server training permits from the board's licensing and regulation division, to issue to students who successfully complete an approved course (see WAC 314-17-080(3) regarding eighteen, nineteen, and twenty year-old students who complete a Class 12 mixologist course).~~

~~(2) The permits must be ordered on a form provided by the board. The board will charge a nominal fee in order to cover its costs to produce the permits.))~~ A provider (or a trainer with authorization from a provider) may purchase class 12 or 13 permit forms by submitting an order form to the board.

AMENDATORY SECTION (Amending WSR 04-18-038, filed 8/25/04, effective 9/25/04)

WAC 314-17-080 What ((are the age requirements for trainees to receive, and trainers to issue, Class 12 mixologist and Class 13 server permits)) should a provider or a trainer do when a class 12 or 13 permit is issued in error? (1) ~~((Class 12 mixologist permits are only issued to persons twenty-one years of age or older. Therefore, any person who is eighteen, nineteen, or twenty years of age who successfully completes a Class 12 mixologist course will be issued a Class 13 server permit.~~

~~(2) Class 13 server permits may only be issued to persons eighteen years of age and older.~~

~~(3) Upon turning twenty-one years of age, a Class 13 server permit holder may receive an upgraded Class 12 mixologist permit from the provider or trainer who issued the permit. The expiration date of the permit will remain five years from the date of the class.~~

~~(4))~~ If a provider or trainer issues a class 12 ((mixologist)) permit in error to a ((person)) student under twenty-one years of age, ((the)) a provider or trainer must ((take the following steps:)) initiate corrective actions within one business day of discovery of an error.

(a) Contact ~~((the permit holder))~~ a student and notify ~~((him/her))~~ him or her that ~~((the))~~ a permit was issued in error~~((7)).~~

(b) Retrieve the original class 12 ~~((mixologist))~~ permit from ~~((the permit holder; and))~~ a student.

(c) Issue ~~((the correct))~~ a class 13 ((server)) permit ~~((only after receiving the original Class 12 mixologist permit that was~~

~~issued in error~~)) provided that a student is at least eighteen years of age.

~~(d) ((Within thirty days of the date the permit was issued in error, or of being notified by the board of the error, the provider or trainer must:~~

~~(i))~~ Provide the tear-off portion of ~~((the))~~ a corrected class 13 ~~((server))~~ permit to the ~~((board's licensing and regulation division; or))~~ board.

~~((+ii))~~ If unable to contact ~~((the permit holder))~~ a student and issue a corrected permit, ~~((the))~~ a provider or trainer ~~((can provide the board's licensing and regulation division))~~ must provide the board with proof that a certified letter was sent to ~~((the trainee))~~ a student who received ~~((the))~~ a class 12 ~~((mixologist))~~ permit in error.

~~((+5))~~ (2) If a provider or trainer issues a class 13 ~~((servers))~~ permit in error to a ~~((person))~~ student under eighteen years of age, ~~((the))~~ a provider or trainer must ~~((take the following steps:))~~ initiate corrective actions within one business day of discovery of the error.

(a) Contact ~~((the permit holder))~~ a student and notify ~~((him/her))~~ him or her that ~~((the))~~ a class 13 permit was issued in error.

(b) Retrieve ~~((the original))~~ a class 13 ~~((server))~~ permit from ~~((the permit holder))~~ a student.

~~((+i))~~ If unable to contact ~~((the permit holder))~~ a student and retrieve ~~((the))~~ an invalid class 13 permit, ~~((the))~~ a provider or trainer must provide the ~~((board's licensing and regulation division))~~ board with proof that a certified letter was sent to ~~((the trainee informing the trainee the))~~ a student informing him or her that a class 13 permit was issued in error and that serving liquor with ((the)) an unauthorized permit may be cause for a criminal citation.

AMENDATORY SECTION (Amending WSR 04-18-038, filed 8/25/04, effective 9/25/04)

WAC 314-17-085 What records ~~((does the))~~ must a provider or trainer ~~((need to provide))~~ submit to the board or keep on file?

(1) A ~~((list of the individuals receiving the class 12 or class 13 permits must be forwarded to the board's licensing and regulation division within three calendar days of the completion of the class.~~

~~(2) Within thirty days of all training classes, the provider or trainer must give all class participants who successfully pass the exam their permit and submit the tear-off portion of the permit form, completed in full, for all Class 12 and/or Class 13 permits issued to the board's licensing and regulation division.~~

~~(3) The following information must be kept at the trainer's place of business, available for inspection and copying by board~~

~~employees, for a period of five years.~~

~~(a) Copies of all Class 12 and/or Class 13 permits issued by the provider or authorized trainers (electronic records may be kept in lieu of hard copies of the permit forms for those programs using an automatic upload process); and~~

~~(b) All course presentation information, including the location, date, and time of every class given, together with the names of the trainer and names of students that attended each class.~~

~~(4) The provider or trainer must provide the following information to the board or its designee upon request:~~

~~(a) Advance notice of any classes that have been prescheduled; and~~

~~(b) Copies of program publications, brochures, pamphlets, scripts, or any other advertising materials related to the alcohol server training course)) provider (or a trainer on a provider's behalf) shall submit a list of students receiving class 12 or 13 permits, along with additional training course information, to the board within thirty calendar days of completion of each training course. Training course information shall be submitted using a format supplied or stipulated by the board.~~

(2) Within thirty calendar days of a student completing a class 12 or 13 training course and passing the standardized exam, a provider (or a trainer on a provider's behalf) must:

(a) Issue a class 12 or 13 permit to a student; and

(b) Submit a session roster showing each student's name and assigned permit number in a format supplied by the board; and

(c) Submit the tear-off portion of a fully completed class 12 or 13 permit form to the board.

(3) A provider must keep certain records and information at its place of business for a period of five years. Records and information must be available for board inspection, and they shall include:

(a) A session roster showing the student information and assigned permit number of each student who successfully completes an on-line or in-person training course, and the date and time of completion;

(b) The permit number for any voided permit;

(c) All presentation information for each training course;

(d) Each student's examination answers; and

(e) The log-in and log-off times.

(4) A provider (or a trainer on a provider's behalf) must provide the following information to the board upon request:

(a) Advance notice of any prescheduled training courses;

(b) Copies of program publications, brochures, pamphlets, scripts or any other advertising materials related to a training course; and

(c) Documentation that verifies a trainer's attendance at a continuing education conference or workshop (see WAC 314-17-050).

(5) The board may stipulate which format or program a provider may use for recordkeeping.

(6) **Securing records and information.**

All training course records that contain information about a student must be secured and maintained in accordance with industry standards at a minimum.

AMENDATORY SECTION (Amending WSR 01-03-085, filed 1/17/01, effective 2/17/01)

WAC 314-17-090 Prohibited conduct by providers and trainers.

No provider or trainer ~~((will:~~

~~(1) Make any material false or misleading statement to induce or prevent board actions;~~

~~(2) Falsify, alter, or tamper with alcohol server training permits or records;~~

~~(3) Prohibit or interfere with on-site observations by the board or its staff, or fail to assist the board or its staff)) shall:~~

(1) Make any false material statement or misleading statement to induce or prevent board action;

(2) Falsify, alter or tamper with any material or records associated with a training program, training course or class 12 or 13 permit; or

(3) Prohibit or interfere with on-site observation by the board or fail to assist the board in scheduling ((these)) an observation((s)).

AMENDATORY SECTION (Amending WSR 04-18-038, filed 8/25/04, effective 9/25/04)

WAC 314-17-095 ~~((Is the provider responsible for the acts of its trainers?))~~ What must a provider do when a trainer violates a liquor law or regulation? (1) The board may hold a provider responsible ((for any act or omission of the provider's program personnel, authorized trainers, or representatives that violates any law or rule affecting provider privileges.

~~(1) If a provider discovers a trainer has not complied with a provision of the alcohol server training requirements, the provider must contact the board's mandatory alcohol server training manager within five calendar days.~~

(2) The provider must submit an action plan to the board's mandatory alcohol server training program manager within ten calendar days. The action plan must include corrective action that will be taken to ensure compliance with liquor control board laws and rules)) when any of its trainers, authorized personnel or representatives violate any state liquor law or regulation

affecting provider privileges whether through a specific action or through an act of omission.

(2) When a trainer fails to comply with a provision of the alcohol server education program requirements, a provider must:

(a) Correct a violation immediately;

(b) Notify the board of discovery as soon as possible, but no later than five calendar days following discovery; and

(c) Create an action plan to prevent further violations and submit that plan to the board within ten calendar days of discovery.

AMENDATORY SECTION (Amending WSR 01-03-085, filed 1/17/01, effective 2/17/01)

WAC 314-17-100 What are the penalties ((if)) when a provider or a trainer violates a liquor law or regulation? ~~((Following are the penalties for a provider or trainer that violates any of the provisions of RCW 66.20.300 through 66.20.350 or any of the requirements of chapter 314-17 WAC (except for providers with temporary certification, see WAC 314-17-055(4))-))~~ The board may suspend or revoke a provider or trainer certification if a provider or a trainer violates any of the provisions of RCW 66.20.300 through 66.20.350 or of chapter 314-17 WAC or if the board determines that immediate suspension or revocation is in the public interest. The board may also penalize a provider or trainer as follows:

(1) First violation	<p>(a) ((The provider or trainer will receive a notice of intended suspension/revocation)) <u>A provider or a trainer will receive a notice of intended suspension or revocation of the board's certification or authorization.</u></p> <p>(b) ((This notice will give the provider and/or trainer thirty days to correct any violations-)) <u>A provider or a trainer will correct any violation as soon as possible, but no later than thirty calendar days following receipt of a notice of intended suspension or revocation.</u></p> <p>(c) If ((the)) a violation or problem is rectified, no further action will be taken.</p>
(2) First violation ((not resolved and/or)) <u>unresolved or second violation occurs within a three-year period</u>	<p>(a) The board will suspend ((its approval and certification of the provider and/or trainer)) <u>a provider's or a trainer's certification</u> for up to six months.</p> <p>(b) A monetary penalty of up to five hundred dollars may be imposed in lieu of suspension.</p> <p>(c) Prior to lifting ((the)) a suspension or accepting a monetary penalty, ((the)) a provider ((and/)) or a trainer must correct the problem(s) ((which)) <u>that</u> caused ((the)) a proposed suspension.</p>
(3) Successive violations within a ((two-year)) <u>three-year period</u>	The board may cancel or suspend the approval ((and)) <u>certification or both</u> , of ((the)) a provider ((and/)) or a trainer for up to five years.

AMENDATORY SECTION (Amending WSR 04-18-038, filed 8/25/04, effective 9/25/04)

WAC 314-17-105 What are the penalties ((if)) when a permit holder violates a liquor law or ((rule)) regulation? ((+1))
 Penalties assessed for violations within a three-year period will normally be as follows:

Violation Type	1st Violation	2nd Violation	3rd Violation	4th Violation
AFTER HOURS: Selling, serving((;)) or allowing alcohol to be consumed between 2 a.m. and 6 a.m. See WAC 314-11-070.	5-day permit suspension OR \$100 monetary option	10-day permit suspension OR \$200 monetary option	30-day permit suspension OR \$400 monetary option	Revocation of permit ((permit))
DISORDERLY CONDUCT: Disorderly conduct by ((the)) a licensee or employee, or allowing patrons to engage in disorderly conduct. See WAC 314-11-050.	5-day permit suspension OR \$100 monetary option	10-day permit suspension OR \$200 monetary option	30-day permit suspension OR \$400 monetary option	Revocation of permit
FALSIFICATION OF PERMIT: Falsifying a class 12 or ((class)) 13 permit or possessing a class 12 or ((class)) 13 permit contrary to this title. See RCW 66.20.310(((2))) and WAC 314-17-025.	5-day permit suspension OR \$100 monetary option	10-day permit suspension OR \$200 monetary option	30-day permit suspension OR \$400 monetary option	Revocation of permit
INTOXICATED PERSONS: Selling or serving to an apparently intoxicated person or allowing such a person to possess or consume alcohol. See RCW 66.44.200 and WAC 314-11-035.	5-day permit suspension OR \$100 monetary option	10-day permit suspension OR \$200 monetary option	30-day permit suspension OR \$400 monetary option	Revocation of permit
LEWD CONDUCT: Allowing lewd conduct on the licensed premises. See WAC 314-11-050.	5-day permit suspension OR \$100 monetary option	10-day permit suspension OR \$200 monetary option	30-day permit suspension OR \$400 monetary option	Revocation of permit
MISCELLANEOUS: Violation of other retail liquor laws or ((rules)) <u>regulations</u> .	5-day permit suspension OR \$100 monetary option	10-day permit suspension OR \$200 monetary option	30-day permit suspension OR \$400 monetary option	Revocation of permit
MINORS: Selling or serving alcohol to a person under twenty-one years of age. See RCW 66.44.310 and WAC 314-11-020(((+))).	5-day permit suspension OR \$200 monetary option	10-day permit suspension OR \$400 monetary option	30-day permit suspension OR \$((600)) 500 monetary option	Revocation of permit
MINORS: Allowing a person((s)) under twenty-one years of age to frequent a restricted premises or area. See RCW 66.44.310 and WAC 314-11-020(((2))).	5-day permit suspension OR \$100 monetary option	10-day permit suspension OR \$200 monetary option	30-day permit suspension OR \$400 monetary option	Revocation of permit

Violation Type	1st Violation	2nd Violation	3rd Violation	4th Violation
OBSTRUCTING AN OFFICER: Obstructing a law enforcement officer, or failure to allow an inspection. See RCW 66.28.090.	5-day permit suspension OR \$100 monetary option	10-day permit suspension OR \$200 monetary option	30-day permit suspension OR \$400 monetary option	Revocation of permit
OTHER VIOLATION OF LAWS: Conviction of liquor laws, ((but,)) <u>driving under the influence</u> or felony.	5-day permit suspension OR \$100 monetary option	Revocation of permit		
PERMIT: Failure to produce permit ((and/or ID)) or <u>identification</u> upon request. See RCW 66.20.310 ((2)) and 66.20.180.	5-day permit suspension OR \$100 monetary option	10-day permit suspension OR \$200 monetary option	30-day permit suspension OR \$400 monetary option	Revocation of permit
PRIVATE CLUBS: Prohibitions involving club liquor and use by the general public. See WAC 314-40-010.	5-day permit suspension OR \$100 monetary option	10-day permit suspension OR \$200 monetary option	30-day permit suspension OR \$400 monetary option	Revocation of permit

AMENDATORY SECTION (Amending WSR 01-03-085, filed 1/17/01, effective 2/17/01)

WAC 314-17-110 ((Can)) May the board impose sanctions or penalties other than those ((indicated)) described in WAC 314-17-105? (1) Based on aggravating or mitigating circumstances, the board may impose a different penalty or suspension than the standard penalties and suspensions ~~((outlined))~~ described in WAC 314-17-105.

(2) Examples of aggravating and mitigating circumstances include, but are not limited to:

(a) Examples of aggravating circumstances <u>that may cause a more severe penalty:</u>	(b) Examples of mitigating circumstances <u>that may allow a less severe penalty:</u>
<ul style="list-style-type: none"> Patron's identification not checked; Noncooperation with or ((obstructing)) <u>obstruction</u> of any law enforcement officer; Permit holder did not call law enforcement officer when requested by a customer or a board employee. 	<ul style="list-style-type: none"> Permit holder checked one of the acceptable forms of identification ((per)) <u>see RCW 66.16.040</u>; Cooperation with law enforcement officer(s); Permit holder used a licensee certification card (see RCW 66.20.190).

AMENDATORY SECTION (Amending WSR 01-03-085, filed 1/17/01, effective 2/17/01)

WAC 314-17-115 ~~((Can a Class 12 or Class 13 permit holder work on a licensed premises while his/her permit is suspended?))~~
Appeal rights. ~~((1) During a suspension period, permit holders may work on a liquor licensed premises provided they are not involved in any way in the sale or service of alcohol.~~

~~(2) No permit is required to be a cashier, receptionist, cook, or custodian.))~~ Any person whose class 12 or 13 permit, trainer certification or provider certification is denied, revoked or suspended may request an adjudicative hearing under the provisions of the Administrative Procedure Act (chapter 34.05 RCW). The board may conduct an adjudicative hearing itself or refer the matter to the office of administrative hearings.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 314-17-055	Temporary certification as a provider.
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